

each of them an oath or affirmation as the case may be, that he will justly and impartially value the damages, which the owner or owners will sustain by the use or occupation of the same, required by the company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the sheriff to the clerk of the Circuit Court of his county, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk, at the expense of said company, or owner or owners of property, as the court may award; but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the lands condemned, and the quantity or duration of the interest in the same, valued for the company, and such valuation when paid or tendered to the owner or owners of said property, or his, her or their legal representatives, shall entitle the said company to the estate, use of, and interest in the same, thus valued as fully as if it had been conveyed by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be received from the company, without cost by the said owner or owners, or his, her or their legal representative or representatives, and every juror shall be entitled to one dollar per day, while in attendance, and the sheriff to his regular fees as for similar services; *Provided always*, that no timber shall be cut on any land other than the bed of the rail road company, by order of the said rail road company, or taken by them for the use of the said road, without the consent of the owner.

Proviso.

Capital stock
may be in-
creased.

SEC. 6. *And be it enacted*, That if the capital stock of said company shall be deemed insufficient for the purpose of this act, it shall and may be lawful for the directors of said company, or a majority of them, from time to time, to increase the said capital stock by the addition of as many shares as they may deem necessary, for which they may, at their option, cause subscriptions to be received in the manner prescribed by them, or

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